THE HONOURABLE SRI JUSTICE V.ESWARAIAH

W.P. No. 22519 of 2007

Date:19-11-2007

Between:

Schedule Caste Agricultural Coolie Sangam, Yerrapothavaram rep. by its President K.Abburam

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Petitioner

AND

The District Collector, East Godavari and two others

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Respondents

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ORDER:

The petitioner seeks a writ of mandamus to declare the action of the respondents in interfering with the peaceful possession and enjoyment of his property in an extent of Ac.4.00 cents in various Sy.Nos.43/2, 66/2, 122/1, 123, 124, 125/3-B, 128/12A, 128/12C, 130/1B, 154/1 and 154/3 of Yerrapothavaram village which was in Pamarru mandal of East Godavari District which was assigned in patta reference No.1273/85, dated 27.01.1986, as illegal and arbitrary.

It is the case of the petitioner that an extent of Ac.4.00 cents in various Sy.Nos.43/2, 66/2, 122/1, 123, 124, 125/3-B, 128/12A, 128/12C, 130/1B, 154/1 and 154/3 of Yerrapothavaram village which was in Pamarru mandal of East Godavari District was assigned in favour of the petitioner by the Madnal Revenue Officer vide patta reference No.1273/85, dated 27.01.1986. It is stated that the 3rd respondent without initiating any legal action and without issuing any notice either for cancellation of the patta for the alleged violation or by taking any action under any other enactment is interfering with the peaceful possession and enjoyment of the land of the petitioner.

The learned Government Pleader for the respondents submits that, in fact, for the legal notice, dated 12.10.2007 got issued by the petitioner, a reply notice was given stating that the Mandal Revenue Officer is not at all interfering with the peaceful possession and enjoyment of the land.

Having regard to the facts of the case, the writ petition is

disposed of directing the respondents not to interfere with the peaceful possession and enjoyment of the land of the petitioner without following due process of law. It is needless to mention that if the petitioner encroached any land, it is always open for the respondents to take legal action against him in accordance with law. There shall be no order as to costs.

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V.ESWARAIAH, J.

Date:19.11.2007
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